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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,947	10/01/2004	Tetsuro Mizushima	P26068	7507
7055 7590 03/19/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
ARMOURCHE, HADI S				
ART UNIT		PAPER NUMBER		
2132				
NOTIFICATION DATE		DELIVERY MODE		
03/19/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

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Office Action Summary

Application No.

10/508,947

Applicant(s)

MIZUSHIMA ET AL.

Examiner

HADI S. ARMOUCHE

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 1/3/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The current abstract is more than 150 words. See MPEP 608.01(b) and 37 CFR 1.72(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Oshima et al (EP0637016 A2) referred to hereinafter by Oshima.

5. Regarding claim 1, Oshima teaches a *recording data-recording method for recording of recording data encrypted based on a predetermined encryption code on a multilayer optical recording medium comprising N -N is a natural number not smaller than 2- recording layers deposited on at least on one side of a substrate,*

wherein a distance between a first reference point in an M-th one -M is a natural number not larger than N -of the recording layers (first positional information), as counted from an incident direction of a reproduction laser beam or a recording laser beam, and a second reference point in an L-th one -L is a natural number not larger than N and other than M- of the recording layers (second positional information) , as counted from the incident direction is obtained, and the recording data is encrypted using distance information enabling identification of the obtained distance as the encryption code [abstract and claim 1].

6. Regarding claim 2, Oshima teaches the *recording data-recording method wherein an angle of intersection of a first segment passing through one of the first reference point and the second reference point, and a third reference point in a K-th one (K is a natural number not larger than N and includes a same number equal to M or L) of the recording layers, as counted from the incident direction, and a second segment passing through the first reference point and the second reference point is obtained, and the recording data is encrypted using angle information enabling identification of the obtained angle as part of the encryption code [col 54 line 5-col 55 line 20; col 77 line 58 -col 78 line 18].*

7. Regarding claim 3, Oshima teaches *the recording data-recording method wherein program data is recorded which is read out by a reproduction device, and causes the reproduction device to obtain the distance between the first reference point and the second reference point as the encryption code, and decrypt the encrypted recording data based on the obtained encryption code* [abstract; claims 1-2].

8. Claim 4 has the same limitation as claim 3 and hence same rejection rational is applied.

9. Regarding claim 5, Oshima teaches *the recording data-recording method wherein the program data is recorded in any one of a data recording area, a lead-in area, and a lead-out area in the multilayer optical recoding medium* [col 2, lines 10-20].

10. Claim 6 has the same limitation as claim 5 and hence same rejection rational is applied.

11. Regarding claim 7, Oshima teaches *the recording data-recording method wherein the program data is recorded in one of an area which is first accessed by the reproduction device when the multilayer optical recording medium is loaded, and an area designated by area information recorded in the area first accessed by the reproduction device* [col 2, lines 10-20].

12. Claim 8 has the same limitation as claim 7 and hence same rejection rational is applied.

13. Regarding claim 9, Oshima teaches *the recording data-recording method wherein the program data is recorded as part of the encrypted recording data, or part of management information on the recording data* [abstract].

14. Claims 10 and 11 have the same limitation as claim 9 and hence same rejection rational is applied.

15. Regarding claim 12, Oshima teaches *a recording data-reproducing method for decrypting and reproducing the recording data recorded by the recoding data-recording method claimed in claim 1,*

wherein the distance between the first reference point and the second reference point of the multilayer optical recording medium on which the recording data is recorded as an object to be reproduced is obtained, and the recording data is decrypted using distance information enabling identification of the obtained distance as the encryption code [abstract; claim 1; and col 1 lines 33 - col2 line 9].

16. Regarding claim 13, Oshima teaches *The recording data-reproducing method wherein an angle of intersection of the first segment and the second segment of the multilayer optical recording medium on which the recording data is recorded as the*

object to be reproduced is obtained, and the recording data is decrypted using angle information enabling identification of the obtained angle as part of the encryption code [col 54 line 5-col 55 line 20; col 77 line 58 -col 78 line 18].

17. Regarding claim 14, Oshima teaches a recording device that is capable of recording the recording data by the recording data-recording method comprising (figure 1):

a turntable that holds and rotates the multilayer optical recoding medium [col 21 line 41-51],

a pickup that emits the reproduction laser beam or the recording laser beam to the multilayer optical recording medium held on said turntable [col 21 line 41-51],

a moving mechanism that moves said pickup along a direction of radius of the multilayer optical recoding medium [col 23, lines 15-23],

and a control section that controls rotation of said turntable and motion of said pickup by said moving mechanism and executes encryption of the recording data based on the encryption code [col 22 lines 5-6 and col 22 line 8-15],

wherein said control section causes said pickup to emit the reproduction laser beam to the M-th recording layer and the L-th recording layer while causing said turntable to rotate and said moving mechanism to move said pickup, calculates the distance between the first reference point and the second reference point based on a rotational angle of said turntable and an amount of movement of said pickup by said moving mechanism when said pickup emits the reproduction laser beam to the first

reference point, and a rotational angle of said turntable and an amount of movement of said pickup by said moving mechanism when said pickup emits the reproduction laser beam to the second reference point, and encodes the recording data using distance information enabling identification of the calculated distance as the encryption code [col 22 lines 41- col 23 line 23].

18. Claim 15 has the same limitation as claim 14 and hence same rejection rational is applied. Additional limitation include:

a storage section that stores program data which causes the reproduction device to obtain the distance between the first reference point and the second reference point as the encryption code, and decrypt the encrypted recording data based on the obtained encryption code [stored in the ROM; col 22 lines 5-6].

19. Regarding claim 16, Oshima teaches *a multilayer optical recording medium that is capable of recording the recording data by the recording data-recording method wherein program data is recorded which is read out by a reproduction device, and causes the reproduction device to obtain the distance between the first reference point and the second reference point as the encryption code, and decrypt the encrypted recording data based on the obtained encryption code [abstract; claims 1-2].*

Art Unit: 2132

20. Regarding claim 17, Oshima teaches *the multilayer optical recording medium wherein the program data is recorded in any one of a data recording area, a lead-in area, and a lead-out area in the multilayer optical recording medium* [col 2, lines 10-20].

21. Regarding claim 18, Oshima teaches *the multilayer optical recording medium wherein the program data is recorded in one of an area which is first accessed by the reproduction device when the multilayer optical recording medium is loaded, and an area designated by area information recorded in the area first accessed by the reproduction device* [col 2, lines 10-20].

22. Claim 19 has the same limitation as claim 18 and hence same rejection rational is applied.

23. Regarding claim 20, Oshima teaches *the multilayer optical recording wherein the program data is recorded as pre-pits* [col 25, lines 53-56 and col 35, lines 31-35].

24. Claims 21-23 have the same limitation as claim 20 and hence same rejection rational is applied.

Art Unit: 2132

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI S. ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S. A./
Hadi S Armouche
Examiner, Art Unit 2132

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132